

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

Claim 1. (currently amended) A An isolated DNA fragment containing the sequence of SEQ ID NO: 1 as a core sequence, whereby expression of a gene in a plant cell or a plant of a peptide-coding sequence placed downstream of both said DNA fragment ~~is repressed in the presence of light~~ and expression of a promoter operatively linked to said peptide-coding sequence are repressed by irradiation with white light at 70 $\mu\text{mole}/\text{m}^2/\text{sec}$ or irradiation with red light for 2 minutes.

Claim 2. (currently amended) The DNA fragment of claim 1 which is a cis-element ~~containing~~ comprising the nucleotide sequence of SEQ ID NO: 2 or a ~~nucleotide~~ sequence obtained by deletion, ~~substitution and/or addition~~ of one or more ~~bases in a part of the~~ nucleotides from the nucleotide sequence of SEQ ID NO: 2 ~~other than provided that~~ the core sequence of SEQ ID NO: 1, whereby expression of a gene placed downstream of is maintained in said DNA fragment ~~is repressed in the presence of light.~~

Claim 3. (currently amended) The An isolated DNA fragment of claim 1 ~~comprising the nucleotide sequence of SEQ ID NO:3~~ containing the sequence of SEQ ID NO:1 as a core sequence or the sequence of SEQ ID NO:3 containing the constitutive promoter, whereby expression in a plant cell or a plant of a peptide-coding sequence operatively linked downstream of said sequence of SEQ ID NO:1

or SEQ ID NO:3 is repressed by irradiation with white light at 70 $\mu\text{mole}/\text{m}^2/\text{sec}$ or irradiation with red light for 2 minutes.

Claim 4. (currently amended) A An isolated promoter containing the nucleotide sequence of SEQ ID NO: 1 as a core sequence upstream of the promoter, whereby expression of a gene placed downstream of said promoter is promoted in the dark but repressed in the presence of light in a plant cell or a plant of a peptide-coding sequence operatively linked downstream of said promoter is repressed by irradiation with white light at 70 $\mu\text{mole}/\text{m}^2/\text{sec}$ or irradiation with red light for 2 minutes.

Claim 5. (currently amended) The promoter of claim 4 containing the sequence of SEQ ID NO: 2 or a nucleotide sequence obtained by deletion, substitution and/or addition of one or more bases in a part of the sequence of SEQ ID NO: 2 other than the core sequence of SEQ ID NO: 1 of one or more nucleotides from the nucleotide sequence of SEQ ID NO:2 provided that the core sequence of SEQ ID NO:1 is maintained in said nucleotide sequence.

Claim 6. (currently amended) The An isolated promoter of claim 4 comprising the nucleotide sequence of SEQ ID NO:3, whereby expression in a plant cell or a plant of a peptide-coding sequence operatively linked downstream of said promoter is repressed by irradiation with white light at 70 $\mu\text{mole}/\text{m}^2/\text{sec}$ or irradiation with red light for 2 minutes.

Claim 7. (currently amended) The DNA fragment of ~~any one of claims 1 to 3~~
~~having a constitutive expression~~ claim 1 or 2 wherein the promoter which is
operatively linked to the peptide-coding sequence is a constitutive promoter linked
downstream of said DNA fragment.

Claim 8. (currently amended) The promoter of ~~any one of claims 4 to 6~~
~~having a constitutive expression promoter linked downstream of said promoter~~ claim
4 or 5 having a constitutive expression promoter linked downstream of said
promoter but upstream of said peptide-coding sequence.

Claim 9. (cancelled)

Claim 10. (cancelled)

Claim 11. (currently amended) An expression cassette comprising a DNA
~~fragment carrying a gene linked downstream of the DNA fragment or promoter of any~~
~~one of claims 1-6, 9 and 10, whereby expression of said gene is repressed by light~~
peptide-coding sequence linked downstream of the isolated DNA fragment of any
one of claims 1, 2 or 3 or promoter of any one of claims 4, 5 and 6, whereby
expression in a plant cell or a plant of said peptide-coding sequence is repressed by
irradiation with white light at 70 $\mu\text{mole}/\text{m}^2/\text{sec}$ or irradiation with red light for 2
minutes.

Claim 12. (cancelled)

Claim 13. (cancelled)

Claim 14. (new) An expression cassette comprising a peptide-coding sequence linked downstream of the isolated DNA fragment of claim 7 or the isolated promoter of claim 8, whereby expression in a plant cell or a plant of said peptide-coding sequence is repressed by irradiation with white light at $70 \mu\text{mole/m}^2/\text{sec}$ or irradiation with red light for 2 minutes.

Claim 15. (new) A plant cell transformed with the expression cassette of claim 11.

Claim 16. (new) A plant cell transformed with the expression cassette of claim 16.

Claim 17. (new) A plant transformed with the expression cassette of claim 11, or a progeny of the plant, or a part of said plant or progeny.

Claim 18. (new) A plant transformed with the expression cassette of claim 14, or a progeny of the plant, or a part of said plant or progeny.

Claim 19. (new) A method for controlling expression of a peptide-coding sequence in a plant cell as claimed in claim 15 comprising placing the plant cell

under light or in the dark, wherein the expression of the peptide is lower under light than in the dark.

Claim 20. (new) A method for controlling expression of a peptide-coding sequence in a plant cell as claimed in claim 16 comprising placing the plant cell under light or in the dark, wherein the expression of the peptide is lower under light than in the dark.

Claim 21. (new) A method for controlling expression of a peptide-coding sequence in a plant as claimed in claim 17 comprising placing the plant under light or in the dark, wherein the expression of the peptide is lower under light than in the dark.

Claim 22. (new) A method for controlling expression of a peptide-coding sequence in a plant as claimed in claim 18 comprising placing the plant under light or in the dark, wherein the expression of the peptide is lower under light than in the dark.